

MALAYSIA

Emergency blocking passage of law to lower voting age?

Enacting emergency ordinance a recourse to Parliament's suspension, but there has yet to be indication this path being pursued

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Bersih 2.0 executive director Yap Swee Seng says to qualify as a voter, one's name must be in the electoral roll, which is updated every quarter. – The Vibes file pic, February 19, 2021

BY

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KUALA LUMPUR – The nationwide emergency may prove to be a stumbling block in efforts to have 18-year-olds registered as voters by July, said the Election Commission (EC).

This is despite the EC's commitment to ensuring the deadline is met, and with no decision by Putrajaya to push it back, deputy chairman Azmi Sharom told The Vibes.

He said amendments still need to be made to the related election laws, including the Elections (Registration of Electors) Regulations 2002, for changes to the eligible voting age to be formalised.

However, with the suspension of Parliament due to the emergency order, amendments to legislation cannot be tabled and passed unless an emergency ordinance is promulgated.

“This will be a problem. You need Parliament to amend legislation. However, it is worth noting that it is still possible to make emergency ordinances to allow for the changes,” said Azmi.

“But let me reiterate: as far as the original plan for Undi 18 and automatic registration to be ready by July is concerned, I have not been informed otherwise.”

Last year, de facto Law Minister Datuk Seri Takiyuddin Hassan told Parliament that the implementation of the lower voting age, as well as automatic voter registration, will commence by July.



EC deputy chairman Azmi Sharom says the election body remains committed to ensuring the July deadline for 18-year-olds to be registered as voters is met. – The Star Twitter pic, February 19, 2021

There have been no updates since, prompting various groups, including the Undi 18 movement, to question and urge the government to reiterate its commitment to ensuring the required constitutional amendments go through.

International Islamic University Malaysia Assoc Prof of law Khairil Azmin Mokhtar said there are two ways the government could use the emergency ordinance to make the necessary amendments.

One is to promulgate an ordinance to allow Parliament to temporarily reconvene, and subsequently table and pass the related bills into law.

The other is to have an ordinance on the specific amendments that need to be made, which will take effect throughout the period of emergency and six months afterwards.

“After the emergency, the ordinance is still good for another six months. However, Parliament will still have to sit to formally pass the amendments, which must be legitimised, after the end of the emergency.”

Bersih 2.0 executive director Yap Swee Seng said even in the event that the registration of 18-year-olds as voters is done in time, it could still take a few months for the names to be officially included in the electoral roll – a requirement for one to vote.

“Typically, it takes about three months to be included in the electoral roll, which is updated every quarter, and to be a qualified voter.”

This means that if the 15th general election is held immediately after the emergency is lifted, slated for August 1, there is a high probability that newly eligible voters will not be able to cast their ballots. – The Vibes, February 19, 2021

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